

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION CONFERENCE COMMITTEE ON SENATE AMENDMENTS TO HOUSE BILL 324**

**Call to Order:** By **CHAIRMAN DUANE GRIMES**, on April 12, 2001 at 2:00 P.M., in Room 172 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Duane Grimes, Chairman (R)  
Rep. John Bruggeman, Vice-Chairman (R)  
Sen. Ric Holden (R)  
Rep. Jeff Mangan (D)  
Rep. Mark Noennig (R)

**Members Excused:** Sen. Greg Jergeson (D)

**Members Absent:** None.

**Staff Present:** Jane Nofsinger, Secretary  
Susan Fox, Legislative Staff

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB324, 3/11/01  
Executive Action: HB324

#### **Conference Committee Meeting on HB324**

**CHAIRMAN GRIMES** opened the meeting on HB324, saying that he had been the one responsible for putting the amendments onto the bill. He said the staff ratios in drop-in day-care differ from regular day-care because the numbers of children in attendance vary each day. He continued, saying it was unfair to have certain ratios for regular day-care, and drop-in day-cares to not have these requirements.

**REP. MANGAN** said he thought it was a stretch. He said, "I like your amendment and agree." He said other issues were if regular day-care could provide part-time care, and if parents may volunteer on the site.

**REP. NOENNIG** said the original issue was the number of children, not if it was a regular or an irregular basis. He added when "irregular" is deleted, the facility was not subject to license requirements.

**REP. MANGAN** told **REP. NOENNIG** that the bill had changed even more since he had heard it in committee. He said the bill said now "if more than 13 on an irregular basis."

**REP. BRUGGEMAN** asked where the "13" came from.

**SEN. GRIMES** asked the Department of Public Health and Human Services to address that question.

**Roy Kemp, DPHHS**, said the definition of day-care used by his department was that more than 13 children required more stringent guidelines.

**REP. BRUGGEMAN** said if they don't have to be licensed, we don't want to over-regulate them. "We could say if they choose to be licensed," he said.

**SEN. GRIMES** said he was originally concerned with how the bill would work. He said drop-in day-care does provide services in certain circumstances. He said to say a ratio of 1:4 or 1:6 is untenable because they come and go. He said it is not fair to the workers to have to be on-call, and the day-cares can't break even if they are required to have extra staff. He said his wife had run a day-care for a long time, and he knew they don't make a lot of money and what they do make is because they keep the payrolls low.

**REP. MANGAN** said there are three areas of drop-in day-care concern: 1. Staff, 2. Immunizations, and 3. Outdoor play equipment. He added that preschools look like daycare and don't require a license because they are 4 hours only. He said he was not concerned about present facilities, but about the fringe elements who might see a loophole.

**SEN. GRIMES** asked if the change could be incorporated within the amendment. He suggested that "define" be substituted for "provide."

**REP. NOENNIG** said he thought it could be more artfully done.

**SEN. GRIMES** asked how drop-in staff ratios could be handled when next door to a permanent day-care facility.

**Mr. Kemp** said they don't regulate irregular day-care. He pointed out that licensing not only ensures quality, but allows the day-cares to access grants.

**SEN. GRIMES** said that in regard to immunization, maybe on the second or third time the child was dropped off they might be required to show proof.

**REP. MANGAN** requested that on p. 3, l. 24, the word "only" be stricken after the word "care," and the word "providing" be stricken, and "which include" be added. He said the amendment would then read, " (g) adopt rules for day care centers that provide day-care on an irregular basis, which include exceptions regarding requirements for immunization records and staffing ratios."

**SEN. GRIMES** said by striking "only" gives the department latitude to regulate permanent day-care as well as irregular day-care. He added that striking "which includes" is a technical change to show it is part of the same sentence.

**SEN. HOLDEN** said, "This is your bill, **REP. MANGAN**, who put this language in?"

**SEN. GRIMES** said, "I did, to provide flexibility in staff ratios."

**REP. MANGAN** said he agreed with the reason he put it in, and now it was just a matter of semantics.

**SEN. HOLDEN** asked if this was not in the law before, why are we wanting to regulate them now. What is the advantage of that, he asked.

**SEN. GRIMES** answered, "We would regulate them if they want to be regulated. The department would write the rules and if they wanted to be regulated, they could come in and apply for regulation. The one benefit that does have to them is that they could apply for grants and stuff they can't apply for now like playground equipment, transportation vans, or whatever it is that they need to do the job." He added there are a lot of grants available for regulated day-care, so that is the "carrot available for them." He noted from the department's standpoint that it would allow for more regulations to avoid instances like in Miles City where drugs were being sold from a day-care, and where some parents are short on cash and think they make enough

money to just stay at home by keeping other people's children. He stated these people are really not quality providers, and they undercut the legitimate providers who do a good job and put all the money in to comply with the regulations. "So that is the rationale for it," he concluded.

**SEN. GRIMES** then asked for all those in favor of the amendment to say aye.

**Vote: Motion carried unanimously.**

**ADJOURNMENT**

Adjournment: 2:25 P.M.

---

SEN. DUANE GRIMES, Chairman

---

Jane Nofsinger, Secretary

DG/JB/